

### Agency Budget Comparison

The following table summarizes the total budget requested by the Governor for the agency by year, type of expenditure, and source of funding.

| Agency Budget Comparison      |                     |                        |                       |                       |                          |                          |                       |                      |
|-------------------------------|---------------------|------------------------|-----------------------|-----------------------|--------------------------|--------------------------|-----------------------|----------------------|
| Budget Item                   | Base<br>Fiscal 2008 | Approp.<br>Fiscal 2009 | Budget<br>Fiscal 2010 | Budget<br>Fiscal 2011 | Biennium<br>Fiscal 08-09 | Biennium<br>Fiscal 10-11 | Biennium<br>Change    | Biennium<br>% Change |
| FTE                           | 19.50               | 19.50                  | 20.00                 | 20.00                 | 19.50                    | 20.00                    | 0.50                  | 2.56%                |
| Personal Services             | 1,058,895           | 1,243,480              | 1,267,523             | 1,270,216             | 2,302,375                | 2,537,739                | 235,364               | 10.22%               |
| Operating Expenses            | 755,049             | 741,577                | 1,040,212             | 913,970               | 1,496,626                | 1,954,182                | 457,556               | 30.57%               |
| Equipment & Intangible Assets | 0                   | 6,790                  | 0                     | 0                     | 6,790                    | 0                        | (6,790)               | (100.00%)            |
| Grants                        | 6,504,797           | 29,123,332             | 6,811,789             | 6,811,789             | 35,628,129               | 13,623,578               | (22,004,551)          | (61.76%)             |
| <b>Total Costs</b>            | <b>\$8,318,741</b>  | <b>\$31,115,179</b>    | <b>\$9,119,524</b>    | <b>\$8,995,975</b>    | <b>\$39,433,920</b>      | <b>\$18,115,499</b>      | <b>(\$21,318,421)</b> | <b>(54.06%)</b>      |
| General Fund                  | 2,195,808           | 2,304,278              | 2,566,594             | 2,506,510             | 4,500,086                | 5,073,104                | 573,018               | 12.73%               |
| State Special                 | 67,087              | 131,984                | 164,994               | 164,993               | 199,071                  | 329,987                  | 130,916               | 65.76%               |
| Federal Special               | 6,055,846           | 28,678,917             | 6,387,936             | 6,324,472             | 34,734,763               | 12,712,408               | (22,022,355)          | (63.40%)             |
| <b>Total Funds</b>            | <b>\$8,318,741</b>  | <b>\$31,115,179</b>    | <b>\$9,119,524</b>    | <b>\$8,995,975</b>    | <b>\$39,433,920</b>      | <b>\$18,115,499</b>      | <b>(\$21,318,421)</b> | <b>(54.06%)</b>      |

### Agency Description

**Mission Statement:** To pro-actively contribute to public safety, crime prevention, and victim assistance with planning, policy development, and coordination of the justice systems in partnership with citizens, government, and communities.

The Montana Board of Crime Control (MBCC) was established to promote public safety by strengthening the coordination and performance of the criminal and juvenile justice systems. The MBCC is an 18-member board appointed by the Governor. The MBCC supervises the Crime Control Division (CCD), which provides financial support, technical assistance, and support services to state and local criminal justice agencies. The CCD administers federal anti-drug and anti-crime grants, and victim assistance grants, and provides funding for juvenile justice programs. In addition, MBCC also administers the contracts with regional juvenile detention centers, collects and analyzes crime data from Montana's law enforcement agencies, and publishes the annual "Crime in Montana" report. MBCC is established in 2-15-2006, MCA.

The MBCC has one advisory council, the Youth Justice Council (YJC). YJC develops and implements the state's juvenile justice plan and recommends educational, training, research, prevention, diversion, treatment and rehabilitation programs.

### Agency Highlights

| Montana Board of Crime Control |                                                                                                                                                                                                                                                                                                                                                                                      |
|--------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Major Budget Highlights        |                                                                                                                                                                                                                                                                                                                                                                                      |
| ◆                              | Total funding for the agency decreases 54.1 percent between the 2009 and 2011 biennia, due to the impact of a language appropriation providing continuing appropriation authority for pass-through grants. This continuing authority is included in the 2009 biennium funding but not the 2011 biennium                                                                              |
| ◆                              | General fund support for the agency increases 12.7 percent between the two biennia, which reflects: <ul style="list-style-type: none"> <li>• A non specific funding shift to the general fund</li> <li>• A request for increases in office rental (\$171,678 or 70 percent from the general fund)</li> <li>• A request for funding to enhance the interface to crime data</li> </ul> |
| ◆                              | A supplemental appropriation of \$15,000 state special revenue is requested in FY 2009                                                                                                                                                                                                                                                                                               |

| Major LFD Issues                                                                                                                                                                                                           |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> <li>◆ General fund support is increasing over time</li> <li>◆ Goals and objectives are not timebound and information about how performance will be measured was not provided</li> </ul> |

## Agency Discussion

### *Goals and Objectives:*

State law requires agency and program goals and objectives to be specific and quantifiable to enable the legislature to establish appropriations policy. As part of its appropriations deliberations the Legislative Fiscal Division recommends that the legislature review the following:

- o Goals, objectives and year-to-date outcomes from the 2009 biennium
- o Goals and objectives and their correlation to the 2011 biennium budget request

### 2009 Biennium Major Goals

The following provides an update on the major goals monitored during the current interim.

Goal 1 – Enhance public safety, accountability, and competency through effective monitoring of compliance with the Juvenile Justice and Delinquency Prevention (JJDP) Act of 2002 and the Montana Youth Court Act.

- o Successes
  - Achieved a 98.2 percent compliance rate (based upon 2006 data submitted for 2007 annual report) with federal regulations (a violation rate of 1.8 percent)
  - As of June, 2008 the compliance rate to date for the next reporting period was 99.0 percent (a violation rate of 1.0 percent)
- o Challenges
  - Due to a change in federal interpretation of the JJDP Act, the number of Montana facilities requiring monitoring expanded by 54 facilities, or 42 percent

Goal 2 – Work with law enforcement agencies through technical assistance to ensure complete and accurate crime data reporting. Continue to work with the Federal Bureau of Investigation (FBI) to ensure data integrity.

- o Successes
  - Local agencies have been assisted in working toward electronic reporting of crime data and the number of local agencies reporting electronically is increasing
  - The error rate for the February 2008 submission of crime data was 0.4 percent

### 2011 Biennium Major Goals

The following provides an overview of major goals for the biennium.

Goal 1 - Promote public safety by planning for and responding to public safety issues.

- o Objective
  - Reduce jail overcrowding and improve offender management by implementing the National Institute of Corrections recommendations
  - Maintain FBI Certification for Montana's crime data
  - Improve the quality of statewide data through inclusion of crime data from Native Lands

**LFD  
COMMENT**

Agency staff indicated the goals provided to the LFD had not yet been ratified by the MBCC as of the date of this writing. The board is scheduled to approve these goals in December 2008.

**LFD  
ISSUE****Objectives Should be SMART**

Goals should specific, measurable, achievable, relevant, and time bound (SMART). While some of the agency objectives meet this criteria, not all do. Some of the objectives are measurable but the agency has not indicated how progress toward completion of the objective will be measured. Also, most of the objectives related to this goal are not time bound. That is, the agency has not indicated when the objective will be achieved. Most importantly, it is difficult for the reader to determine what beneficial outcome is anticipated as a result of engaging in activities to achieve these goals and objectives. Because the legislature must be able to identify what benefit or outcome is achieved by the expenditure of state resources to achieve a goal or objective, the legislature may wish to discuss with the agency when and how achievements will be measured and how the agency goals correlate with the budget.

**Funding**

The following table shows program funding, by source, for the base year and for the 2011 biennium as recommended by the Governor.

| Program Funding Table<br>Justice System Support Service |                 |                      |                   |                        |                   |                        |
|---------------------------------------------------------|-----------------|----------------------|-------------------|------------------------|-------------------|------------------------|
| Program Funding                                         | Base<br>FY 2008 | % of Base<br>FY 2008 | Budget<br>FY 2010 | % of Budget<br>FY 2010 | Budget<br>FY 2011 | % of Budget<br>FY 2011 |
| 01000 Total General Fund                                | \$ 2,195,808    | 26.4%                | \$ 2,566,594      | 28.1%                  | \$ 2,506,510      | 27.9%                  |
| 01100 General Fund                                      | 2,195,808       | 26.4%                | 2,566,594         | 28.1%                  | 2,506,510         | 27.9%                  |
| 02000 Total State Special Funds                         | 67,087          | 0.8%                 | 164,994           | 1.8%                   | 164,993           | 1.8%                   |
| 02768 Dom Violence Intervention - Hb 476                | 67,087          | 0.8%                 | 164,994           | 1.8%                   | 164,993           | 1.8%                   |
| 03000 Total Federal Special Funds                       | 6,055,846       | 72.8%                | 6,387,936         | 70.0%                  | 6,324,472         | 70.3%                  |
| 03008 Juvenile Justice Council                          | 672,317         | 8.1%                 | 677,295           | 7.4%                   | 677,350           | 7.5%                   |
| 03009 Juvenile Accountability                           | 288,574         | 3.5%                 | 289,773           | 3.2%                   | 289,793           | 3.2%                   |
| 03090 P Coverdell Forensic Science                      | 91,015          | 1.1%                 | 105,015           | 1.2%                   | 105,015           | 1.2%                   |
| 03093 Title V Delinquency Intervention                  | 53,769          | 0.6%                 | 53,766            | 0.6%                   | 53,766            | 0.6%                   |
| 03111 Rsat Residential Substance Abuse                  | 59,251          | 0.7%                 | 59,247            | 0.6%                   | 59,247            | 0.7%                   |
| 03188 Justice Assistance Grants                         | 1,386,315       | 16.7%                | 1,475,015         | 16.2%                  | 1,411,104         | 15.7%                  |
| 03192 Crime Victim Assistance                           | 1,557,951       | 18.7%                | 1,565,263         | 17.2%                  | 1,565,413         | 17.4%                  |
| 03200 Drug Education Assistance                         | 336,639         | 4.0%                 | 337,654           | 3.7%                   | 337,669           | 3.8%                   |
| 03201 Justice System Enhancements                       | 62,725          | 0.8%                 | 64,409            | 0.7%                   | 64,433            | 0.7%                   |
| 03343 Criminal History Record Improv                    | 359,865         | 4.3%                 | 550,865           | 6.0%                   | 550,865           | 6.1%                   |
| 03344 Violence Against Women Act                        | 833,216         | 10.0%                | 853,324           | 9.4%                   | 853,473           | 9.5%                   |
| 03962 Enf. Underage Drinking Laws                       | 354,209         | 4.3%                 | 356,310           | 3.9%                   | 356,344           | 4.0%                   |
| Grand Total                                             | \$ 8,318,741    | 100.0%               | \$ 9,119,524      | 100.0%                 | \$ 8,995,975      | 100.0%                 |

Federal funds are the primary support and focus of this agency, which acts as a pass-through agency for federal grant funds. The majority of the agency funding, 71.2 percent, is federal pass-through grant funds. A variety of federal grants are received including grants for juvenile justice related activities, crime victims assistance, domestic violence intervention, multi-jurisdictional drug enforcement task forces, and enforcement of under age drinking laws. By FY 2011 the general fund would provide 27.6 percent of the funding for the agency for grants to juvenile detention centers throughout the state and the costs of administrative and management functions. The remaining 1.2 percent of the agency's funding is provided by state special revenue supporting misdemeanor probation and compliance officers for local domestic violence intervention programs.

**LFD  
ISSUE****Failure of Non General Fund Sources to Keep Pace**

Statute requires that funding switches be presented in a decision package as a new proposal to highlight the change and so that specific legislative action is taken to approve the change in funding. When calculating funding for the adjusted base budget, agency staff first estimated and allocated all non general fund sources of revenue and then funded the balance of the adjusted base budget with general fund. This results in the inclusion of a funding shift in the adjusted base budget, which is a portion of the budget that the legislature usually approves through use of a global motion for all agencies. This makes it difficult for the legislature to understand how agency funding, particularly use of general fund, may be changing. Figure 1 illustrates the amount of general fund that should be included in the adjusted base budget if general fund as a percent of total funds remained at the FY 2008 base budget level of 26.4 percent. It is estimated that increasing the general fund share of the adjusted base budget from 26.4 percent (FY 2008) to 28.1 percent (FY 2011) costs \$287,537 over the 2011 biennium.

The Figure 2 summary of general fund budget changes and as a percentage of total funds below illustrates for FY 2004 through 2011 general fund support for the agency as a percent of total funds. General fund support has increased from \$1.6 million or 13.6 percent of the funding for the agency to \$2.5 million or 27.9 percent in the FY 2011 budget request. While a portion of this increase is related to specific initiatives the legislature has chosen to implement and fund with general fund, the increased general fund support included in the adjusted base budget signals a larger issue and indicates that sources of federal funds are not keeping pace with increased administrative and management costs, including inflationary increases and increases in employee salaries and benefits. Figure 3 illustrates general fund support for agency operations and that since FY 2004 general fund dollars have increased each year more in the adjusted base budget than in decision packages. The change in general fund support in the base budget for agency operations between the 2009 and 2011 biennium is over \$400,000 per year.

**Figure 1**  
Montana Board of Crime Control  
Increased General Fund in Adjusted Base

| Item         | FY 2008<br>Base | FY 2010<br>Adj. Base | FY 2011<br>Adj. Base |
|--------------|-----------------|----------------------|----------------------|
| Total Funds  | \$8,318,741     | \$8,509,780          | \$8,512,332          |
| General Fund | 2,195,808       | 2,389,051            | 2,391,629            |
| Percent      | 26.4%           | 28.1%                | 28.1%                |

Assuming Same Percentage General Fund as FY 2008 Base:

|              |             |             |             |
|--------------|-------------|-------------|-------------|
| General Fund | \$2,195,808 | \$2,246,234 | \$2,246,908 |
|--------------|-------------|-------------|-------------|

Difference: Funding Shift Included in the Adjusted Base

|                |  |           |                  |
|----------------|--|-----------|------------------|
| Annual         |  | \$142,817 | \$144,721        |
| Biennial Total |  |           | <u>\$287,537</u> |

**Figure 2**  
Summary of General Fund Budget Changes and as a Percentage of Total Funds

| Fiscal Year | Base Budget<br>Amount | Base Budget<br>% of Total | Adjusted Base Budget<br>Increase | Adjusted Base Budget<br>% of Total | Decision<br>Packages | Gen Fund<br>Budget | % of Total |
|-------------|-----------------------|---------------------------|----------------------------------|------------------------------------|----------------------|--------------------|------------|
| 2011        | \$2,195,808           | 26.4%                     | \$195,821                        | 28.1%                              | \$114,881            | \$2,506,511        | 27.9%      |
| 2010        | 2,195,808             | 26.4%                     | 193,243                          | 28.1%                              | 177,543              | 2,566,595          | 28.1%      |
| 2009        | 1,722,131             | 20.1%                     | 432,939                          | 24.2%                              | 89,255               | 2,244,325          | 24.6%      |
| 2008        | 1,722,131             | 20.1%                     | 425,447                          | 24.1%                              | 76,748               | 2,224,326          | 24.5%      |
| 2007        | 1,623,752             | 15.4%                     | 84,345                           | 16.1%                              | 9,328                | 1,717,425          | 11.2%      |
| 2006        | 1,623,752             | 15.4%                     | 84,160                           | 16.1%                              | 12,260               | 1,720,172          | 11.2%      |
| 2005        | 1,794,097             | 14.8%                     | 69,211                           | 15.3%                              | (226,419)            | 1,636,889          | 13.6%      |
| 2004        | 1,794,097             | 14.8%                     | 66,931                           | 15.3%                              | (226,209)            | 1,634,819          | 13.6%      |

**Figure 3**  
Agency Operations Reporting Level  
Summary of General Fund Budget Changes and as a Percentage of Total Funds

| Fiscal Year | Base Budget<br>Amount | Base Budget<br>% of Total | Adjusted Base Budget<br>Increase | Adjusted Base Budget<br>% of Total | Decision<br>Packages | Gen Fund<br>Budget | % of Total |
|-------------|-----------------------|---------------------------|----------------------------------|------------------------------------|----------------------|--------------------|------------|
| 2011        | \$1,236,355           | 70.3%                     | \$195,790                        | 73.4%                              | \$169,806            | \$1,601,952        | 27.9%      |
| 2010        | 1,236,355             | 70.3%                     | 193,223                          | 73.3%                              | 232,457              | 1,662,036          | 28.1%      |
| 2009        | 797,572               | 55.9%                     | 432,939                          | 69.7%                              | 89,255               | 1,319,767          | 24.6%      |
| 2008        | 797,572               | 55.9%                     | 425,447                          | 69.6%                              | 76,748               | 1,299,768          | 24.5%      |
| 2007        | 704,192               | 54.1%                     | 84,477                           | 55.4%                              | 9,328                | 797,998            | 11.2%      |
| 2006        | 704,192               | 54.1%                     | 84,297                           | 55.4%                              | 12,260               | 800,750            | 11.2%      |
| 2005        | 664,154               | 53.5%                     | 69,211                           | 54.9%                              | (16,100)             | 717,266            | 13.6%      |
| 2004        | 664,154               | 53.5%                     | 66,931                           | 54.8%                              | (15,827)             | 715,259            | 13.6%      |

To limit this increased demand for general fund support, the legislature may wish to take action that requires the agency to:

- Pass on increases in indirect costs such as administrative and management costs to federal grants and not allow federal grant payments of indirect costs to be capped at less than actual costs. (Currently the percentage of administrative costs allowed by federal grants ranges from none to 100 percent, with the average being 5 percent.) For example, if indirect costs charged to the grant in the base year were 10 percent and future costs are estimated to increase by 4 percent per year, then indirect costs charged to the grant should also increase 4 percent per year
- Direct the agency not to apply for or accept federal grant awards (new or ongoing) that will not pay the entire costs of administration and management of the grant, including future inflationary increases

### Budget Summary by Category

The following summarizes the total budget by base, present law adjustments, and new proposals.

| Budget Summary by Category |                        |                       |                          |                      |                       |                       |                          |                      |
|----------------------------|------------------------|-----------------------|--------------------------|----------------------|-----------------------|-----------------------|--------------------------|----------------------|
| Budget Item                | -----General Fund----- |                       |                          |                      | -----Total Funds----- |                       |                          |                      |
|                            | Budget<br>Fiscal 2010  | Budget<br>Fiscal 2011 | Biennium<br>Fiscal 10-11 | Percent<br>of Budget | Budget<br>Fiscal 2010 | Budget<br>Fiscal 2011 | Biennium<br>Fiscal 10-11 | Percent<br>of Budget |
| Base Budget                | 2,195,808              | 2,195,808             | 4,391,616                | 86.57%               | 8,318,741             | 8,318,741             | 16,637,482               | 91.84%               |
| Statewide PL Adjustments   | 193,243                | 195,821               | 389,064                  | 7.67%                | 191,039               | 193,591               | 384,630                  | 2.12%                |
| Other PL Adjustments       | 113,099                | 114,495               | 227,594                  | 4.49%                | 481,144               | 483,122               | 964,266                  | 5.32%                |
| New Proposals              | 64,444                 | 386                   | 64,830                   | 1.28%                | 128,600               | 521                   | 129,121                  | 0.71%                |
| <b>Total Budget</b>        | <b>\$2,566,594</b>     | <b>\$2,506,510</b>    | <b>\$5,073,104</b>       |                      | <b>\$9,119,524</b>    | <b>\$8,995,975</b>    | <b>\$18,115,499</b>      |                      |

### Supplemental Appropriations

A supplemental appropriation of \$15,000 state special revenue for the Misdemeanor Domestic Violence Intervention program is requested by the executive, because revenues have been realized at a higher level than anticipated. Revenues come from marriage license fees and may be used for misdemeanor probation officers or compliance officers to monitor compliance with sentencing provisions for offenders convicted of partner or family member assault, or a violation of an order of protection. The executive budget request (decision package 108) also includes a request for increased funding for the 2011 biennium.

### Present Law Adjustments

The "Present Law Adjustments" table shows the primary changes to the adjusted base budget proposed by the Governor. "Statewide Present Law" adjustments are standard categories of adjustments made to all agencies. Decisions on these items were applied globally to all agencies. The other numbered adjustments in the table correspond to the narrative descriptions.

| Present Law Adjustments                            |              |               |                 |             |  |                       |              |               |                 |             |
|----------------------------------------------------|--------------|---------------|-----------------|-------------|--|-----------------------|--------------|---------------|-----------------|-------------|
| -----Fiscal 2010-----                              |              |               |                 |             |  | -----Fiscal 2011----- |              |               |                 |             |
| FTE                                                | General Fund | State Special | Federal Special | Total Funds |  | FTE                   | General Fund | State Special | Federal Special | Total Funds |
| Personal Services                                  |              |               |                 | 183,811     |  |                       |              |               |                 | 186,500     |
| Inflation/Deflation                                |              |               |                 | 2,917       |  |                       |              |               |                 | 3,358       |
| Fixed Costs                                        |              |               |                 | 4,311       |  |                       |              |               |                 | 3,733       |
| Total Statewide Present Law Adjustments            |              |               |                 | \$191,039   |  |                       |              |               |                 | \$193,591   |
| DP 101 - Board & Council Member Stipends           |              |               |                 |             |  |                       |              |               |                 |             |
| 0.00                                               | 4,958        | 0             | 1,742           | 6,700       |  | 0.00                  | 4,958        | 0             | 1,742           | 6,700       |
| DP 102 - Administrative Support Position           |              |               |                 |             |  |                       |              |               |                 |             |
| 0.50                                               | 0            | 0             | 18,117          | 18,117      |  | 0.50                  | 0            | 0             | 18,121          | 18,121      |
| DP 103 - Detention Data Information System         |              |               |                 |             |  |                       |              |               |                 |             |
| 0.00                                               | 15,000       | 0             | 0               | 15,000      |  | 0.00                  | 15,000       | 0             | 0               | 15,000      |
| DP 105 - Forensic Crime Lab Improvements           |              |               |                 |             |  |                       |              |               |                 |             |
| 0.00                                               | 0            | 0             | 14,000          | 14,000      |  | 0.00                  | 0            | 0             | 14,000          | 14,000      |
| DP 106 - STOP Violence Against Women Grant         |              |               |                 |             |  |                       |              |               |                 |             |
| 0.00                                               | 0            | 0             | 10,000          | 10,000      |  | 0.00                  | 0            | 0             | 10,000          | 10,000      |
| DP 107 - Criminal History Record Improvement Grant |              |               |                 |             |  |                       |              |               |                 |             |
| 0.00                                               | 0            | 0             | 191,000         | 191,000     |  | 0.00                  | 0            | 0             | 191,000         | 191,000     |
| DP 108 - Domestic Violence Intervention Grant      |              |               |                 |             |  |                       |              |               |                 |             |
| 0.00                                               | 0            | 96,697        | 0               | 96,697      |  | 0.00                  | 0            | 96,677        | 0               | 96,677      |
| DP 109 - Juvenile Detention Center Reporting       |              |               |                 |             |  |                       |              |               |                 |             |
| 0.00                                               | 8,000        | 0             | 0               | 8,000       |  | 0.00                  | 8,000        | 0             | 0               | 8,000       |
| DP 110 - Office Rent Increase                      |              |               |                 |             |  |                       |              |               |                 |             |
| 0.00                                               | 85,141       | 1,216         | 35,273          | 121,630     |  | 0.00                  | 86,537       | 1,236         | 35,851          | 123,624     |
| Total Other Present Law Adjustments                |              |               |                 |             |  |                       |              |               |                 |             |
| 0.50                                               | \$113,099    | \$97,913      | \$270,132       | \$481,144   |  | 0.50                  | \$114,495    | \$97,913      | \$270,714       | \$483,122   |
| Grand Total All Present Law Adjustments            |              |               |                 | \$672,183   |  |                       |              |               |                 | \$676,713   |

**Agency Personal Services Narrative**

The following information is provided so that the legislature can consider various personal services issues when examining the agency budget. It was submitted by the agency and edited for brevity by the LFD.

- o **Market Rate** – The agency typically hires individuals into positions at about 80 percent of the market rate. The agency target market ratio is 90 percent. The agency actual market ratio at fiscal year end was approximately 100 percent of the 2006 market survey. The agency anticipates this will decrease to about 93 percent when compared to the 2008 market survey. The agency utilizes savings from vacant positions and any discretionary funding appropriated by the legislature to move employees toward the agency's target market ratio
- o **Obstacles** – The agency indicates lack of additional funding for increases when salary survey updates occur and competitive recruitment for professional positions are obstacles
- o **Vacancy** – The agency did not identify issues or concerns about vacant positions
- o **Legislatively applied vacancy savings** – Because the agency has 20 or fewer FTE, it is exempt from applied vacancy savings
- o **Pay Changes** – The agency utilized the 0.6 percent funding in the 2007 pay plan to bring some positions that were under 90 percent of market up to 90 percent of market. Pay changes for other than pay plan adjustments ranging from \$0.48 to \$2.61 per hour were given for items such as competency pay, market adjustments, reclassifications, strategic pay, supervisory pay, completion of training assignments, and to bring certain positions up to 90 percent of market
- o **Retirements** – The agency indicates that 2 of their 20 employees will be eligible for retirement in the 2011 biennium. However, no retirements are anticipated at this time

DP 101 - Board & Council Member Stipends - The executive requests about \$10,000 general fund and \$3,400 federal funds (\$13,400 total) for the biennium for board and council member per diem payments as provided in 2-15-122 and 2-15-124, MCA. Per diem payments are zero based and thus not included in the base budget for the agency. This request is \$900 per year greater than the \$5,800 that was expended in FY 2008 for this purpose.

DP 102 - Administrative Support Position - The executive requests \$36,238 federal funds so that a 0.50 FTE modified position may be combined with an existing 0.50 FTE position to increase the position to 1.00 FTE. The agency indicates that a 0.50 modified FTE is being utilized to provide administrative support for federal grants including: Project Safe Neighborhoods Grant, Anti-Gang Grant, Enforcing Underage Drinking Laws - Discretionary Grant and the Prescription Drug Monitoring Planning Grant. Additionally the agency plans to use this position to implement the provision of local agency and tribal technical assistance, and planning and resource development for public safety, crime prevention, juvenile justice, and victim assistance as directed by the board.

Justification: This request is based on an increased workload as a result of additional grants awarded to the Board of Crime Control and projects assigned to the division by the Board.

Project Outcomes: The goal of the proposal is to assure that the agency retains current staff who are trained to perform administrative duties.

Performance Criteria: The 0.5 modified FTE currently provides administrative support for the following federal grants: Project Safe Neighborhoods, Anti-Gang, Enforcing Underage Drinking Laws, Prescription Drug Monitoring, Victims of Crime Assistance Grants and Stop Violence Against Women. The work has been ongoing and progress could be measured by meeting the federal and state requirements for administering and reporting on these grants.

Milestones: The key activities to the proposal are ongoing and increasing as existing grant programs and new grant programs are applied for and awarded.

FTE: The existing administrative assistant will continue to do the work.

Funding: MBCC receives federal administrative funds that will be used to support this request.

Obstacles: Current staff at MBCC already has significant workloads. This request is for a 0.50 FTE administrative support position. This request is based on an increased workload as a result of additional grants and projects assigned to the division by the board. The position is currently staffed with a 0.50 FTE and a 0.50 modified FTE.

Risk: The risk to the state if this proposal is not adopted would be that inadequate staffing could cause delays and errors in administering the many grant programs the division is responsible for which would cause problems for the 200 to 300 sub grant programs that are funded each year statewide. Problems or deficiencies in administering the federal grants could lead to sanctions and the loss of millions of dollars in grant funding for Montana programs.

**LFD  
ISSUE**
**Justification Lacks Detail and Specific Measurable Information**

The expanded justification for this decision package lacks sufficient information for the legislature to determine what beneficial outcomes will be achieved by the expenditure of federal funds to support an additional 0.50 FTE. For example:

- No specific milestones were provided. What is to be achieved and when will it be achieved?
- The narrative indicates that progress could be measured by meeting the federal and state requirements for administering and reporting on these grants but it does not specify how progress will be measured or what the federal requirements that this position will be instrumental in meeting are
- The obstacles cited are not related to those that may be encountered in obtaining the additional 0.50 FTE and retaining the current employee
- The risks associated with non approval of this decision package by the legislature are not quantified in terms of how many dollars, the probability of loss or sanction, or the programmatic impacts of a funding loss. The legislature may wish to ask:
  - What undesirable things could happen at the sub grantee level if this position is not funded?
  - What is the likelihood of these events actually occurring?

DP 103 - Detention Data Information System - The executive requests \$30,000 general fund for the biennium (\$15,000 per year) to develop a statewide detention repository capable of collecting data from Montana's local jails and detention centers. The Montana Board of Crime Control (MBCC) is working with local law enforcement and other criminal justice system stakeholders to facilitate the state's strategic response to jail overcrowding. This statewide detention repository is a result of a recommendation made by the National Institute of Corrections (NIC) as a result of work done with the Detention Dilemma Workgroup. By the end of FY 2009, the MBCC anticipates being able to extract and collect data from a majority of the detention centers in Montana.

DP 105 - Forensic Crime Lab Improvements - The executive requests \$28,000 federal funds for the biennium (\$14,000 per year) for an increase in federal Paul Coverdell Forensic Sciences Improvement Act grant funds. These funds can only be used by crime labs and will be sub granted to the Department of Justice, Forensic Science Division (state crime lab in Missoula). These funds may be used for staff training, equipment, and personal services.

DP 106 - STOP Violence Against Women Grant - The executive requests \$20,000 federal funds for the biennium (\$10,000 annually) for increases in the federal STOP Violence Against Women Act in Montana. The purpose of the act is to promote a coordinated, multi-disciplinary approach to improving the criminal justice system's response to violence against women. A committee representing judges, prosecutors, law enforcement, and victim service projects was appointed by the board to establish priorities for initiatives to be funded from this source.

DP 107 - Criminal History Record Improvement Grant - The executive requests \$382,000 federal funds (\$191,000 annually) for increases in the National Criminal History Record Improvement Grant. These funds are intended to improve the exchange of information between states and on a national level. Currently, the intrastate exchange of criminal record information among Montana agencies is a very manual and laborious process. Achievement of National Criminal History Improvement Program (NCHIP) priorities of timely and complete dispositions; the flagging of disqualifying records; and mental health record availability for use by the NICS program staff are all contingent upon the

automation of Montana's criminal justice agencies, including courts, and the development of reliable interfaces between these systems and those national systems recognized under NCHIP as vital to the nation's safety and security.

DP 108 - Domestic Violence Intervention Grant - The executive requests \$193,394 state special for the Misdemeanor Probation for Domestic Violence Program. 44-4-310, MCA created a domestic violence intervention account in the state special revenue fund and 44-4-311, MCA establishes the Domestic Violence Intervention Program, which is supported by funds from this account. The purpose of the program is to promote victim safety and offender accountability through a variety of compliance monitoring methods, including but not limited to probation personnel, electronic or GPS monitoring, tracking of recidivism, revocation of probation for non-compliant offenders, danger assessment, and victim involvement.

**LFD  
COMMENT**

A supplemental appropriation of \$15,000 state special revenue from this fund is proposed, because revenues have been realized at a higher level than anticipated.

DP 109 - Juvenile Detention Center Reporting - The executive requests \$16,000 general fund for the biennium (\$8,000 annually) for software and database maintenance of the Juvenile Detention Reporting System (JDERS). This system combines data reporting to the Montana Board of Crime Control with a unified case management system. The goal of the system is to improve oversight and management of juvenile detention centers. The detention facilities purchased the software system and paid for the customization with pass through grant funds and the maintenance costs are to be covered by MBCC.

**LFD  
COMMENT**

The Juvenile Detention Reporting System (JDERS) is a new system that provides both a case management system to regional juvenile detention centers and a statewide database for the MBCC to utilize in reporting data required by federal juvenile justice grants. Approximately \$195,000 was expended for the purchase and installation of the new system (software and licenses) and was funded using a federal pass through grant of about \$180,000 that reverted to the MBCC by a sub-grantee with the balance of the funding, about \$15,000, provided by regional detention centers. For the MBCC purpose of data collection, this new system replaced a system that is estimated to be eight to ten years old and for which no ongoing maintenance costs were incurred and included in the base budget.

DP 110 - Office Rent Increase - The executive requests \$245,254 total funds (\$171,678 general fund, \$2,452 state special revenue, \$71,124 federal funds) for the biennium for increases in the costs of office space rental in a new building proposed at South Pointe. This request is based on a square foot cost of \$23.13 with a 1 percent increase in the second year.

**LFD  
ISSUE**
**Building Status**

The 2007 Legislature provided \$132,233 total funds for the 2009 biennium for anticipated rent increases. The Department of Administration anticipated contracting for the construction of a building in Helena to house employees of several state agencies including the Montana Board of Crime Control. As of this writing construction of this building has not begun and there is uncertainty surrounding if and when this building might be constructed. Due to the uncertainty surrounding this building, the legislature may wish to:

- Request updated information on the current status of construction of this office building
- Request updated information on what alternatives for relocation of the staff are available or might be pursued if the proposed new office building is not constructed
- Provide funding for additional rent as a restricted appropriation that may only be used to support increases in the rental costs if the office is relocated



## New Proposals

| New Proposals                                                |             |                 |               |                 |                  |             |              |               |                 |              |
|--------------------------------------------------------------|-------------|-----------------|---------------|-----------------|------------------|-------------|--------------|---------------|-----------------|--------------|
| Program                                                      | FTE         | Fiscal 2010     |               |                 |                  | Fiscal 2011 |              |               |                 | Total Funds  |
|                                                              |             | General Fund    | State Special | Federal Special | Total Funds      | FTE         | General Fund | State Special | Federal Special |              |
| DP 111 - NIBRS Web Stats Enhancement (Bien/OTO)              |             |                 |               |                 |                  |             |              |               |                 |              |
| 01                                                           | 0.00        | 64,000          | 0             | 64,000          | 128,000          | 0.00        | 0            | 0             | 0               | 0            |
| DP 6101 - Fixed Cost Workers Comp Management Program Allocat |             |                 |               |                 |                  |             |              |               |                 |              |
| 01                                                           | 0.00        | 444             | 0             | 156             | 600              | 0.00        | 386          | 0             | 135             | 521          |
| <b>Total</b>                                                 | <b>0.00</b> | <b>\$64,444</b> | <b>\$0</b>    | <b>\$64,156</b> | <b>\$128,600</b> | <b>0.00</b> | <b>\$386</b> | <b>\$0</b>    | <b>\$135</b>    | <b>\$521</b> |

DP 111 - NIBRS Web Stats Enhancement (Bien/OTO) - This decision package requests \$128,000 total funds for the biennium as a biennial, one-time-only appropriation, to enhance the interface to the crime database and make it more usable for decision makers and the public. The department seeks to have an interface that would allow crime data users to easily create reports, graphs, and charts that are specific to their needs.

DP 6101 - Fixed Cost Workers Comp Management Program Allocat - The Workers' Compensation Management program at the Department of Administration was funded by the 2007 Legislature with a one-time-only general fund appropriation. For the 2011 biennium and beyond, the executive proposes the program be funded via a fixed cost allocation. The allocation is based upon the average number of payroll warrants issued per pay period. Because the program was approved as an OTO for the current biennium, it must be presented as a new proposal for the next biennium. Therefore, the allocation cannot be included as part of the standard present law fixed cost process.

## Language and Statutory Authority

"All remaining pass-through grant appropriations, up to 100,000 in general fund money, \$180,000 in state special revenue, and \$7,000,000 in federal funds, including reversions, for the 2009 biennium are authorized to continue and are appropriated in fiscal year 2010 and fiscal year 2011. Crime Control Division may request appropriations be reduced to reflect actual grant funds."

### LFD ISSUE

#### Executive May Not Reduce Appropriations

The last sentence of this language, "Crime Control Division may request appropriations be reduced to reflect actual grant funds" is in conflict with constitutional, statutory, and case law provisions that specifically reserve the right to appropriate funds to the legislature. While, the executive may not alter appropriations provided by the legislature, the executive is not required to fully expend an appropriation. Legislative staff recommends that this sentence not be included in any language adopted by the legislature for inclusion in the appropriations act.

### LFD COMMENT

During the last several biennia the Crime Control Division has had excess appropriation authority, particularly in federal funds beyond the actual dollars available to be expended. This situation has been exacerbated by the appropriation of federal grant authority in excess of the actual grant award and the language which then allows for the carry forward from biennium to biennium of unexpended funds. While the language contained a maximum amount that may be carried-forward at the end of FY 2008 the Governor's Office of Budget and Program Planning (OBPP) carried-forward remaining appropriations in excess of the amount allowed per language in the appropriations act. Legislative staff discussed this concern with staff from OBPP. OBPP staff indicated that future carry forward of appropriations would be limited to the amount specified in language included in the appropriations act.